

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

NICOLAS ANGEL-RIVERA,	:	
	:	
Plaintiff	:	Civil No. 3:12-CV-1451
	:	
v.	:	(Judge Brann)
	:	
UNITED STATES OF	:	(Magistrate Judge Carlson)
AMERICA,	:	
	:	
Defendants	:	

MEMORANDUM ORDER

Prior to his removal from the United States, the plaintiff was a federal prisoner housed in the United States Penitentiary, Canaan. On July 27, 2012, the plaintiff filed this complaint endeavoring to bring an action against the United States of America pursuant to the Federal Tort Claims Act (“FTCA”) 28 U.S.C. § 2401, *et seq.* and 28 U.S.C. § 2675, *et seq.* The plaintiff’s *pro se* complaint recited that, on June 25, 2011, the prison served inmates chicken fajitas. (Doc. 1.) According to the plaintiff, the chicken was bad, and was tainted with salmonella bacteria. (Id.) Consequently, the plaintiff contracted food poisoning, and suffered excruciating pain and symptoms which included headaches, diarrhea, abdominal pains, nausea, chills, vomiting, inability to eat and profuse sweating.(Id.) Alleging negligence on behalf of prison officials in the preparation and service of this food, the plaintiffs sought damages from the United States.

At the time this complaint was filed, Angel-Rivera received a copy of this Court's Standing Practice Order. (Doc. 8.) That Standing Practice Order, in part, advised Angel-Rivera of his obligation to keep the Court fully informed regarding his whereabouts, stating in clear and precise terms that:

A *pro se* plaintiff has the affirmative obligation to keep the court informed of his or her current address. If the plaintiff changes his or her address while this lawsuit is being litigated, the plaintiff shall immediately inform the court of the change, in writing. If the court is unable to communicate with the plaintiff because the plaintiff has failed to notify the court of his or her address, the plaintiff will be deemed to have abandoned the lawsuit

(Doc. 8, p. 4.)

On November 5, 2012, Angel-Rivera wrote to the court regarding his case, advising the court that he was "schedule[d] for deportation in November 2012." (Doc. 32.) Angel-Rivera then notified the court on November 27, 2012 that he had been released from federal custody and had been transferred to immigration custody for removal from the United States. (Doc. 38.) The United States subsequently confirmed that Angel-Rivera was removed from the United States to Mexico in late November 2012. (Doc. 49.) Since November 29, 2012, orders mailed by the Court to Angel-Rivera have consistently been returned as undeliverable, (Docs. 40, 43, 44, and 50), and the plaintiff's current whereabouts remained entirely unknown.

On these facts, we recommended dismissal of Angel Rivera's case for failure to prosecute, a recommendation which was adopted by the district court, which dismissed this case. With the dismissal of Angel Rivera's case, the motion for summary judgment filed by Angel Rivera (Doc. 22) is now MOOT and is also DISMISSED.

So ordered this 19th day of August, 2013.

S/Martin C. Carlson

Martin C. Carlson

United States Magistrate Judge